

United States District Court.

District of Rhode-Island

HAKEEM PELUMI,

Case No.:

Plaintiff,

Vs.

STATE OF RHODE-ISLAND, CITY OF

PROVIDENCE, through its

Treasurer, Stephen J

Napolitano; PROVIDENCE POLICE

DEPARTMENT; DEAN ESSERMAN as

Cief of Providence Police

Department; OFFICER CUTE

individually and in his

official capacity; JAMIE COHER

individually as a New York

citizen.

Defendant

**PLAINTIFF ORIGINAL COMPLAINT**

## A. JURISDICTION & PARTIES

1. Jurisdiction is proper in this court according to 28USC 1332" Diversity of Citizens", 1343, 42USC 1983 and 1985 A Federal Question. Also, United States Constitution Article 3, Section 2. 28 USC. 1746

1 2. Plaintiff, Hakeem Pelumi is a resident of Woonsocket, County of  
3 Providence, in the State of Rhode-Island.

5 3. Defendant, the City of Providence, is a duly authorized and organized  
7 municipality to the laws of the State of Rhode-Island.

9 4. The Defendant, the Providence Police Department, is a department of the  
11 City of Providence, located at one. Communications Place, Providence.  
13 Rhode-Island.

15 5. Upon information and belief, defendant Officer Cute is a citizen of the  
17 State of Rhode-Island and, at all times pertinent hereto, was a member  
19 of the Providence Police Department. Defendant Cute is being sued  
21 individually and in his official capacity as a Providence Police  
23 Officer.

25 6. Upon information and belief, Defendant Jamie Coher is a citizen of the  
27 State of New York

29 **B. FACTUAL BACKGROUND**

31 7. On or about October 18, 2006, at approximately 2.00p.m, Plaintiff was  
33 traveling eastbound on Broad Street in Providence, had been  
35 negligently, or willfully, or recklessly and unlawfully and tortuously  
37 hit in his car on the right passenger side near the rear view mirror by  
39 defendant Jamie Coher.

41 8. Plaintiff, Hakeem Pelumi, immediately called Providence Police  
43 Department through a 911 emergency call on his cell-phone to report the  
45 accident.

47 9. Upon arrival at the scene of the accident, Plaintiff, Hakeem Pelumi,  
49 narrated how and where the accident took place as the other driver and  
co-defendant, Jamie Coher tried to FLEE the scene of the accident by

1 speeding away from the actual point of contact, but finally pulled over  
3 a block away. Haskin Street that is where Defendant Cute saw the car  
5 upon his arrival at the scene. But the accident actually happened at  
7 the intersection of Broad and Wicham Streets.

9 10. Plaintiff, Hakeem Pelumi went to collect the Police report two  
11 weeks later as directed by Defendant Cute, and discovered that the  
13 report turned out to be a racially discriminatingly false report with  
15 the intent to cover up the accident as to exactly how and where the  
17 accident took place. This also constitutes "Obstruction of Justice".  
19 Thereby, Defendant Officer cute, a white man, Conspired with Co-  
21 Defendant Jamie Coher to racially Discriminate against Plaintiff, a  
23 black man by producing a false Police report.

25 11. Plaintiff, Hakeem Pelumi immediately notified the internal  
27 affairs department of the Providence Police about the racial  
29 discrimination and also stated firmly that justice will be sought to  
31 the full extent permitted by law. Plaintiff also followed up with a  
33 written complaint of the wrongdoing and was delivered to Providence  
35 Police Department, Internal Affairs Section.

37 12. The Defendant, Providence Police department, racially  
39 discriminated by willfully, or negligently, or recklessly (TORTIOUS  
41 CONDUCT) failed to investigate the incident and thus have no one  
43 indicated as responsible when Plaintiff went back to check on the  
45 status of the Departments findings.

47  
49 **C. AUSE OF ACTION**

**Count 1**

1       **(Civil Rights Violation against Defendant Cute pursuant to 42 USC. 1983**

3       13.       Plaintiff repeats and realleges paragraph 1 through 11 of the  
5       complaint as if each had been more fully set forth herein.

7       14.       The racial discrimination and tortuous actions of Defendant Cute  
9       were undertaken with the authority of the City of Providence Police  
11       Department, and under color of State law.

13       15.       The racial discrimination and tortuous actions of Defendants Cute  
15       and Jamie Coher deprived the Plaintiff of his rights, privileges and  
17       immunities under the Fourteenth Ammenendment of the United States  
19       Constitution, causing him to be deprived of truth and justice meant for  
21       all citizens alike and subjected to unnecessary and unwarranted pain  
23       and injuries in seeking fair and proper justice. And further causing  
25       him both personal injury and economic harm.

27                               **COUNT 11**

29       **(Civil Rights Violation against Defendants City of Providence, Providence**  
31       **Police Department pursuant to 42USC 1983.)**

33       16.       The Plaintiff repeats and realleges paragraph 1 through 14 of the  
35       complaint as if each had been more fully set forth herein.

37       17.       The racial discrimination and tortuous actions of the Defendant  
39       Cute were undertaken with the authority of the City of Providence  
41       Police Department, and under color of State law.

43       18.       The racial discrimination and tortuous actions of Defendant Cute  
45       deprived the Plaintiff of his rights and immunities under Fourteen  
47       Amendment of the United States Constitution, causing him to suffer  
49       personal injuries and economic harm.

COUNT 111

(Civil Rights violation against Officer Cute and Jamie Coher pursuant to 42 USC 1985).

19. The Plaintiff realleges paragraphs 1 through 17 of the complaint as if each had been more fully set forth herein.

20. Defendants Cute and Jamie Coher by their racial discrimination and tortuous actions on October 18, 2006 and thereafter engaged in a pattern of Discrimination and Deceit. Officer Cute and Jamie Coher thus violated Plaintiffs individual Constitutionally protected rights by Conspiring and Discriminatingly Falsifying the Police report in order to deprive the Plaintiff of the equal privileges and immunities under the law to which the Plaintiff was entitled under United States and Rhode-Island Constitutions, all in violation of 42USC 1985.

21. As a direct and proximate result of the Conspiracy and Discrimination of the Defendants, Plaintiff was deprived of his liberty, and suffered personal and economic injury.

COUNT IV

(Civil Rights violation against Defendant Cute pursuant to Rhode-Island State law and Rhode-Island Constitution).

22. The Plaintiff repeats and realleges paragraphs 1 through 20 of the complaint as if each had been more fully set forth herein.

23. The racial discrimination and tortuous actions of Defendant Cute were undertaken by the authority of the City of Providence and the Providence Police Department, and under color of State law.

24. The racial discrimination and tortuous actions of Defendant Cute deprived the Plaintiff of his rights, privileges and immunities under

1 State law and the Rhode-Island State Constitution, including without  
3 limitation the ability to be free from improper and unfair justice as  
5 guaranteed by Article 1, 6 of the State Constitution. As a direct and  
7 proximate result of the unlawful actions of the Defendant, Plaintiff  
9 was caused to suffer both personal and economic harm.

11 **D. RELIEF REQUESTED**

13 As a direct and proximate result of the Defendants civil rights violation  
15 and tortuous conduct, Plaintiff, Hakeem Pelumi seeks the following relief:

17 A. A declaratory judgment that the Defendants, in the manner described  
19 herein, violated the civil rights of the Plaintiff.

21 B. Compensatory damages for Plaintiffs personal injuries, emotional  
23 distress, and economic harm.

25 C. Punitive damages against Defendant Cute for Perjury and making false  
27 statement on a Police report, thereby, obstructing fair and proper  
29 justice; and

31 D. Plaintiff seeks a total sum of \$750,000 in damages alone.  
33

35 E. For such other and further relief as to this Court may seem just and  
37 proper.  
39

41 **E. DEMAND FOR JURY TRIAL**  
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45 F. Plaintiff hereby demand for jury trial  
47  
49



**4/30/07:** : Spoke with Gordon Hepworth regarding the status of my claim, Mr. Hepworth stated that they're not accepting any fault and will mail me a letter to Affirm State Farms decision on the matter

**5/01/07:** Noticing the Laxity and Inefficiency of Progressive's Claim adjuster handling this accident, State Farm Insurance then mailed me YET another letter stating "Completion of its investigation and found NO FAULT ON THEIR INSURED. And that I was the TORT FEASOR. And thereby NOT RESPONSIBLE FOR DAMAGES TO MY CAR.

**1/15/08:** A check of \$ 226.90. Was received from Progressive as 70% of the total cost of damages and that I will be contacted after my deductible of \$ 100.00 is collected from State Farm.

**2/15/08:** A check of \$ 100.00 was received from Progressive and statement that the check represent my deductible collected from State Farm Insurance.

**2/22/08:** Progressive, through Christopher Gouin, was said to have been notified of State Farm's shift from the earlier; "Not Responsible For Damages to Now; 50% Fault". All without my knowledge. This I call **"DECEITFUL and BAD BUSINESS PRACTICES.**

**2/23/08:** A letter received from Progressive Insurance stating "Progressive has paid for my vehicle damage at 100% and reimbursed my deductible at 100%. "CONSIDERABLE & NOTICEABLE INCONSISTENCIES" in the mailing of both Progressive and State Farm Insurance companies.

**KEY QUESTIONS HERE ARE ;**

**@: IS IT TRUE OF THE POLICE REPORT OFFICER CUTE MADE OF THE ACCIDENT ? THE ANSWER IS "NO"...**

**(b): DID OFFICER CUTE <sup>DISCRIMINATED</sup> WILLFULLY LIED AND GAVE A FALSE ACCOUNT OF WHAT ACTUALLY HAPPENED ? THE ANSWER IS ARESOUNDING "YES"**



## CHAIN OF EVENTS

**Date: 2/29/08**

**CC: UNITED STATES DISTRICT COURT**

**FROM: PLAINTIFF. (HAKEEM PELUMI**

**RE: MOTOR VEHICLE ACCIDENT OF 10/18/06.**

**10/18/06:** Traveling eastbound on Broad Street in Providence, Jamie Coher (State Farm Insured driver) came out of WICHAM Street, trying to join the traffic on Broad Street and "Failing To Yield the Right of Way", collided with my car: 1993 Volvo 850 GLT **BY THE REAR VIEW MIRROR ON THE PASSENGER SIDE..**

I immediately called 911 and reported the accident with my cell-phone. During the call, Defendants driver tried to flee the scene of accident by speeding away.

Jamie Coher then pulled over a block away (HASKIN Street) after getting caught in the traffic. And that was where the police found her car upon arrival at the scene.

**10/18/06:** I attended LANMARK HOSPITAL in Woonsocket where I was treated and released for my pains and injuries.

**10/27/06:** Police LIED ON THE POLICE REPORT, WILLFULLY GIVING FALSE ACCOUNT OF HOW AND WHERE THE ACCIDENT OCCOURED AND POINT OF IMPACT OF BOTH CARS.

**10/24/06:** My car assessed for visual damages at BERNIES AUTO in Woonsocket. RI

**10/24/06** Letter from. Progressive stating "You Do Not Have Any Rental Coverage" on your policy and that, Investigation is Still On-Going".

**11/06/06:** Appointment was arranged for Ms. Landry, the claim adjuster at the time.

To meet me at the scene of the accident. s. Landry FAILED TO SHOW UP.

**R.I.G.L. Title 27. Chapter 27-9-1, subsection # 3.** (Failure to properly investigate the accident).

**11/08/06:** Ms. Landry came by my house and conducted damage assessment. She also took some statements regarding the accident.

**11/14/06:** Progressive letter stating "The company's determination of my 30% at fault. The decision was solely based on my statement, Claimant statement, and point of impact to each vehicle. A deal I refused to accept.

**11/15/06:** Letter from State Farm stating, "You recently advised us that you are not presenting a bodily injury claim for the accident". A FALSE CLAIM.